

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

SHREE KUBER BABA LLC d/b/a	§	
BEST WESTERN PLUS,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. SA-16-CA-1073-FB
	§	
COLUMBIA MUTUAL INSURANCE	§	
COMPANY and RUSSELL DENTON,	§	
	§	
Defendants.	§	

**ORDER ACCEPTING MEMORANDUM AND RECOMMENDATION OF THE  
UNITED STATES MAGISTRATE JUDGE**

The Court has considered the Memorandum and Recommendation of the United States Magistrate Judge filed in the above-captioned cause on February 10, 2017 (docket #18). According to the CM/ECF system, the Memorandum and Recommendation was electronically mailed to counsel of record for the parties on February 10, 2017. To date, the docket sheet reflects no objections to the Memorandum and Recommendation have been received.<sup>1</sup>

Because no party has objected to the Magistrate Judge's Memorandum and Recommendation, the Court need not conduct a de novo review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Memorandum and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989). The Recommendation shall therefore be accepted pursuant to 28 U.S.C. § 636(b)(1) such that Plaintiff's Motion for Remand (docket #6)

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<sup>1</sup> Any party who desires to object to a Magistrate's findings and recommendations must serve and file his, her or its written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing." FED. R. CIV. P. 5(b)(2)(C). If service is made by electronic means, "service is complete upon transmission." *Id.* at (E).

should be GRANTED and the above-entitled and numbered cause should be REMANDED to the 81st/218th Judicial District Court of Atascosa County, Texas.

Accordingly, it is hereby ORDERED that the Memorandum and Recommendation of the United States Magistrate Judge filed in this cause on February 10, 2017 (docket #18), is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Plaintiff's Motion for Remand (docket #6) is GRANTED and the above-entitled and numbered cause is REMANDED to the 81st/218th Judicial District Court of Atascosa County, Texas. IT IS FURTHER ORDERED that the Clerk of the Court send a certified copy of this Order to the clerk of the state court.

It is so ORDERED.

SIGNED this 28th day of February, 2017.



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FRED BIERY  
UNITED STATES DISTRICT JUDGE